

Application No.: 10/774,286
Docket No.: UC0405USCIP

Remarks

Claims 1, 2, 9, 10, 12-14 and 17-21 are pending. Claims 9, 10 and 19 are canceled. Claims 1, 17, 18, 20 and 21 are amended. Claim 1 is amended to import the subject matter of claim 9, and by deleting $N(R^4)_2$ from the group of R^1 . Claim 17 is amended by deleting Formulas IX and XII and claim 18 is amended by deleting Formula XIII. Claims 20 and 21 are amended to address the Examiner's rejection based on 35 U.S.C. § 112.

The specification is also being amended to supply missing information, previously unknown, on related application data and to provide additional related application and application priority information. A petition to accept the priority claim to one utility application and two provisional applications is being filed concurrently herewith and is attached to this paper as Exhibit 1.

Anticipation Rejections Overcome or Rendered Moot by Amendments

The rejections based on 35 U.S.C. § 102(b) or § 102(e) have been either overcome or rendered moot by claim amendments and cancellations or the submission of a grantable petition for acceptance of the new priority claims.

Obviousness Overcome or Rendered Moot by Amendments

Claim 9 stands rejected over Ise as applied to claims 1, 2 and 12-14 in the anticipation rejections, in further view of Igarashi. The complexes in the latter reference are either of the L_3M type or disclose ancillary ligands that are N-analogs of claimed β -enolate ligands, which have been canceled from the claims. Where Igarashi discloses an acac ligand (see Compound D, Col. 6), the L_2 ligands are altogether different from those claimed, and to that extent, Igarashi teaches away from either the claimed compounds or combination with, or modification of, Ise to arrive at the claimed compounds. The cancellation of $R^1 = N(R^4)_2$ takes Ise's K-15 out of relevance, and the recited Ise compounds do not disclose, teach or suggest C_nF_{2n+1} and its SO_2 analog or the $COOR^4$ or CN substituents. Thus, the differences between Ise and the claimed compounds are greater than merely a variation on R^6 in the acac ligand. The application of Igarashi is misplaced for similar reasons since the compounds disclosed therein using the acac ligand have L_2 ligands varying substantially from those of the claims (see, e.g., 1-68, and 1-86 through 1-100).

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Claims 17-19 stand rejected over Ma or Thompson as applied to claims 1-2 and 12-14 in the anticipation rejections. The rejection of claim 19 is moot by cancellation of the claim. Applicants respectfully submit that the rejections of claims 17 and 18 are rendered moot by amendment primarily because the remaining ancillary ligands in the claims are patentably distinct from ancillary ligands disclosed in Ma or Thompson with L₂ ligands bearing any similarity to those in the claims.

As to the application of Kamatani to claims 9, 20 and 21, Applicants respectfully submit that the Office Action merely states a conclusion that, from virtually infinite possible combinations, it would have been obvious to have combined the 475 ancillary ligand with either compound 612 or compound 616 without pointing to anything in that reference that specifically teaches or suggests such a combination, from the almost infinitely variable combinations that would be possible. It appears, rather, that the possibilities set forth in Kamatani are merely matched to Applicants' claimed subject matter in a non-systematic way. Applicants respectfully maintain their traverse of this rejection.

Conclusion

In light of the foregoing amendments and remarks, as well as the petition being filed concurrently, Applicants respectfully submit that the remaining pending claims are in condition for allowance, and earnestly solicit a notice of allowance for claims 1, 2, 12, 13, 14, 17, 18, 20 and 21. Should the Examiner have any questions about the content of this paper or the status of the application, the Examiner is invited to call the undersigned at the telephone number listed below.

Respectfully submitted,


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Dated: May 29, 2007